FILED

DEC 22 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

THOMAS LEE A MINOR CHILD, a minor child; ELIZABETH S. MORRIS; ROLAND J. MORRIS, SR., his guardians and natural parents, Plaintiffs - Appellants, v. TANNER, Judge, Judge of the Confederated Salish and Kootenai Indian Tribal Court for the Flathead Reservation, Defendant - Appellee, UNITED STATES OF AMERICA, Defendant-Intervenor - Appellee.	No. 03-35922 DC No. CV 99-0082 DWM AMENDED MEMORANDUM*

Appeal from the United States District Court
for the District of Montana
Donald W. Molloy, District Judge, Presiding

Argued and Submitted March 11, 2005
Seattle, Washington

Submission Vacated March 30, 2005

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

Resubmitted August 23, 2005
Filed August 25, 2005

Memorandum Withdrawn December 22, 2005

Before: FERNANDEZ, TASHIMA, and GOULD, Circuit Judges.

Thomas Lee Morris appeals the district court's grant of summary judgment in favor of defendant, Judge Winona Tanner, and defendant-intervenor, United States. For the past six years, Morris has had criminal speeding charges pending against him in the tribal court of the Confederated Salish and Kootenai Tribes ("CSKT") in Montana. Morris is an enrolled member of the Minnesota Chippewa Tribe, Leech Lake Reservation, but is not a member of the CSKT. He challenges the jurisdiction of the tribal court. The district court granted summary judgement against Morris. *Morris v. Tanner*, 288 F. Supp. 2d 1133, 1144 (D. Mont. 2003). Morris appealed.

Morris challenges the jurisdiction of the CSKT tribal court, which was confirmed by the 1990 amendments to the Indian Civil Rights Act ("ICRA") to extend to "all Indians" in criminal cases. *See* Pub. L. No. 101-511, Title VIII, § 8077(b)-(c), 104 Stat. 1856, 1892 (1990) (amending 25 U.S.C. § 1301). He contends that the 1990 amendments violate principles of equal protection and due process. In our recent opinion in *Means v. Navajo Nation*, No. 01-17489, 2005

WL 3370585 (9th Cir. Dec. 13, 2005), however, we squarely addressed and rejected both of these challenges to the 1990 amendments to the ICRA.[1] We are therefore bound by *Means* to reject Morris' challenges as well. The judgment of the district court is therefore

AFFIRMED.

[1] In *Means*, we also held that "'all Indians' recognized by the 1990 amendments means all of Indian ancestry who are also Indians by political affiliation [*i.e.*, who are enrolled members of a federally recognized tribe], not all who are racially Indians." *Means*, 2005 WL 3370585, at *3.